

Exceptions to Reunification Orders (petitioner must prove by clear and convincing evidence) WIC §361.5(b)(1)–(15)	Order
(1) Whereabouts of parent or guardian unknown.	No services; set for 6-month review. WIC §366(a).
(2) Parent mentally disabled (two experts state parent incapable of caring for child).	<i>Services UNLESS</i> “competent evidence from mental health professionals” establishes that services are unlikely to enable the parent to care for the child within 12 months. WIC §361.5(c).
(3) Child or sibling previously removed due to physical or sexual abuse; returned and now being removed again for physical or sexual abuse.	<i>No services UNLESS clear and convincing evidence</i> that “reunification is in the best interest of the child” (burden on parent if court finds basis not to offer services). WIC §361.5(c).
(4) Parent caused the death of another child through abuse or neglect.	Same as above.
(5) Petition based on WIC §300(e) (child under the age of 5 suffered severe physical abuse) was sustained.	<i>No services UNLESS</i> parent proves by preponderance and based on “competent testimony [that] services are likely to prevent reabuse or continued neglect,” or that not ordering services “would be detrimental to the child because the child is closely and positively attached to that parent.” WIC §361.5(c).
(6) Severe sexual abuse or severe physical harm to the child, sibling, or half-sibling by the same parent, AND court finds that reunification services would not benefit the child. (Abuse and harm are defined in WIC §361.5(b)(6).)	<i>No services UNLESS</i> parent proves by <i>clear and convincing evidence</i> that “reunification is in the best interest of the child.” WIC §361.5(c). WIC §361.5(h) sets out factors the court is to consider.
(7) The parent is not receiving services for a sibling or half-sibling because of subsections 3, 5, or 6, above.	Same as above. WIC §361.5(h) sets out factors the court is to consider.
(8) The child was conceived as a result of a violation of PC §288 or 288.5.	<i>No services UNLESS</i> parent proves by <i>clear and convincing evidence</i> that “reunification is in the best interest of the child.” WIC §361.5(c).
(9) The child was abandoned and thereby placed in serious danger, or the child was surrendered under H&SC §1225.7.	Same as above.

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(10) The court-ordered termination of reunification services for a sibling or half-sibling, AND the court finds that the [same] parent has not made a reasonable effort to treat the problems that led to removal of the sibling or half-sibling.	Same as above.
(11) Parental rights of the same parent have been terminated AND the court finds that the [same] parent has not made a reasonable effort to treat the problems that led to removal of the sibling or half-sibling.	Same as above.
(12) The parent was convicted of a violent felony as described in PC §667.5(c).	Same as above.
(13) The parent has a “history of extensive, abusive and chronic use” of drugs or alcohol and (a) resisted prior court-ordered treatment for this problem during a 3-year period immediately prior to the filing of the petition that brought the child to the court’s attention, OR (b) failed or refused to comply with a program of drug or alcohol treatment described in the case plan required by WIC §358.1 on at least 2 prior occasions, even though the programs identified were available and accessible.	Same as above.
(14) The parent advised the court that he or she is not interested in family maintenance or reunification services or having the child returned or placed in the parent’s custody and does not wish services. The parent must have an attorney, and must be advised by the court of rights and consequences, including possible termination of rights. Court must state its finding that	Same as above.

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the parent knowingly and intelligently waived the right to services.	
(15) On at least one occasion, the parent abducted the child, sibling, or half-sibling from placement and refused to reveal whereabouts, or refused to return custody to placement or to the social worker.	Same as above.

Parent or Guardian Incarcerated or Institutionalized [WIC §361.5(e)(1)]:

The court must order services unless it determines by clear and convincing evidence that services would be detrimental to the child.

In determining detriment, the court must consider the following:

- a. Age of the child
- b. Degree of parent-child bonding
- c. Length of sentence
- d. Nature of the treatment
- e. Nature of the crime or illness
- f. Degree of detriment to the child if services not offered
- g. If the child is age 10 or older, the child's attitude towards implementation of reunification services
- h. Any other appropriate factors

Services may include:

- a. Collect phone calls
- b. Transportation (where appropriate)
- c. Visitation (where appropriate)
- d. Services to extended family members or foster parents IF services not detrimental to the child
- e. Order to parent to attend counseling, parenting classes, or vocational training—IF AVAILABLE